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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,255	12/03/2003	John Landau	449/117	4906
27538 7590 07/01/2008 KAPLAN GILMAN GIBSON & DERNIER L.L.P. 900 ROUTE 9 NORTH WOODBIDGE, NJ 07095				
EXAMINER AL AUBAIDI, RASHA S				
ART UNIT		PAPER NUMBER		
2614				
MAIL DATE		DELIVERY MODE		
07/01/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/727,255

**Applicant(s)**

LANDAU, JOHN

**Examiner**

RASHA S. AL AUBAIDI

**Art Unit**

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. This in response to amendment filed 04/09/2008. No claims have been added. No claims have been canceled. Claims 1, 8, 15 and 21 have been amended. Claims 1-25 are still pending in this application.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 5-8, 10, 12-18, 20, 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schuster et al. (US PAT # 6,804,224) in view of Chittenden et al. (pub. No.: US 2004/0054549).

Regarding claim 1, Schuster teaches in a telephony over data network system (see abstract and Fig. 2) having at least one originating gateway (reads on GTW 25, see col. 5, lines 55-57 and Fig. 2) and at least one terminating gateway (reads on GTW 35, see col. 7, lines 5-26 and Fig. 2), comprising: assigning a carrier-identifying indicia (reads on local access identifier, see abstract); storing said indicia in a storage medium associated with said originating gateway (see Figs. 1-2); comparing said stored indicia to data associated with an incoming call; and if said stored indicia matches data

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associated with said call, connecting said call a carrier corresponding to the assigned indicia (co. 5, lines 29-45 and Fig. 6 and corresponding text).

Schuster does not specifically teach "a method of adapting said originating gateway to be associated with more than one carrier" as recited in claim 1.

However, Chittenden teaches a gateway manager has the ability to analyze all the information in order to determine to which carrier to book the ad hoc capacity [0146].

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of having the gateway determining the assigned carrier, as taught by Chittenden into Schuster's system in order to enhance the efficiency of routing calls to the right and desired carrier. Needless to say this will provide speed and it will improve the system and method of call routing overall. The claimed feature of "said carrier server having data associated with said calling party" is inherent in the Chittenden's system.

Claims 3, 5-6, 8, 10, 12-13, 15-18, 20 and 22 are rejected for the same reasons as discussed above with respect to claim 1.

Claims 7 and 14, said step of assigning performed by a system gateway administrator.

3. Claims 2, 4, 9, 11, 19, 21, 23 and 25 rejected under 35 U.S.C. 103(a) as being unpatentable over Schuster et al. (US PAT # 6,804,224) in view of Chittenden et al. (pub. No.: US 2004/0054549) and further in view of Olshansky et al. (US PAT # 7,239,629).

For claims 2, 9, 19 and 21, the combination of Schuster and Chittenden does not specifically teach the use of "IVR script".

However, Olshansky teaches the use of an IVR that interacts with a calling party (see col. 6, lines 6-10).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of an IVR that interacts with a user/caller, as taught by Olshansky, into the combination of Schuster in view of Chittenden system in order to provide speed and convenience when gathering and collecting information from a caller.

For claims 4 and 11 that recites the use of "a PIN", see col. 6, lines 11-12 of Olshansky.

Claim 23 recites "a method of routing a signal onto a network comprising

examining the signal to determine if MA functions can be assumed to have already been accomplished, if so, accepting the call, if not, examining the signal to ascertain a third party entity which can perform said AAA functions, and signaling said ascertained third party to perform said MA functions" see Olshansky col. 4, lines 53-60.

Claim 25 limitations are obvious and well known in the art.

### ***Response to Arguments***

4. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (571) 272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (571) 272-7488.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Rasha S AL-Aubaidi/

Primary Examiner, Art Unit 2614